

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

KELLY PINN, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

LUMIO HX, INC. d/b/a LUMIO,

Defendant.

Case No.: 4:23-cv-01138-P

**RESPONSE TO ORDER (ECF NO. 12) and NOTICE OF APPEARANCE**

On December 12, 2023, the Court issued an order stating that the record indicates that Defendant Lumio HX, Inc. (“Lumio”) counsel is in Las Vegas. (ECF NO. 12.) Further, the Order states that Lumio has until December 22, 2023 to file an appearance of local counsel in compliance with Local Rule 83.10(a) or noncompliance could result in sanctions. (ECF No. 12.)

Local Rule 83.10(a) states in relevant part that “local counsel is required in all cases where an attorney appearing in a case does not reside or maintain the attorney’s principal office in this district. ‘Local counsel’ means a member of the bar of this court who resides or maintains the attorney’s principal office in this district and whose residence or principal office is located within 50 miles of the courthouse in the division in which the case is pending.”

First, Russell J. Burke is an attorney appearing in this case and both resides in and maintains a principal office in Denton County. Russell J. Burke resides in Denton County, Texas permanently. As such, local counsel is not required.

Second, to the extent the Court determines local counsel is required, Russell J. Burke also meets the qualifications for local counsel. Russell J. Burke (1) is a member of the Texas Bar, (2) was admitted into the Northern District of Texas on or about August 11, 2022, (3) is a resident of

Denton County and resides permanently in Denton County, and (4) maintains a principal office in Denton County. Local counsel's residence and principle place of business are both located within 50 miles of the courthouse for the Fort Worth Division of the Northern District of Texas. As such, local counsel Russell J. Burke is in compliance with all the requirements of LR 83.10(a).

Dated: December 15, 2023

Respectfully submitted,

/s/ Russell J. Burke

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 15, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system upon all counsel of record:

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